

REMARKS

Favorable reconsideration and allowance are respectfully requested for claims 6-13 in view of the following remarks.

Claims 6, 7, 11 and 13 were rejected under 35 U.S.C. § 112, ¶ 2. These rejections are respectfully traversed. Regarding claim 6, claim 6 is definite. The Office Action has alleged that no vehicle structure has been set forth. However, a pivoting ramp, a connection and, vehicle floor section have been claimed. In claim 6, the ramp pivots about a connection. The ramp has a lowered position wherein the ramp forms one surface with the vehicle floor and is accommodated by a floor section that is lower than the vehicle floor. Claim 6 is definite. Likewise, claim 11 is also definite. Lines 5 and 6 in claim 11 are definite. And the meaning is clearly understandable. The where and how of the door being structurally located and mounted is contained in the specification and is not claimed. The means of securing the ramp has also not been claimed. Regarding claim 7, the where of the vertically displaceable pivot mounting structurally located and what function is performed thereby is contained in the specification and is not claimed. The ramp is connected to the vehicle by at least one vertically displaceable pivot mounting. Claim 7 is definite. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 6, 7, 11 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over GB '152 in view of Ressler or FR '362. These rejections are respectfully traversed.

This invention relates to a vehicle with a ramp for a wheelchair. The ramp pivots about a connection from a lowered position, in which the ramp forms one surface with the vehicle floor, and is accommodated by a floor section that is lower than the vehicle floor, towards the ground to assist movement of the wheelchair when an associated door is open. The pivotable connection is arranged at the outside of the floor section. The floor section serves as a load surface for the wheelchair, and the ramp remains in a secured upright position when the floor section is occupied by the wheelchair.

The advantage over the prior art is that the design and arrangement of the ramp provide that the vehicle cannot be identified as a vehicle for handicapped persons when no wheelchair is being carried and, at the same time, loading and unloading is made considerably easier while achieving good utilization of space.

GB '152 does not disclose or suggest the ramp pivoting about a connection from a lowered position, in which the ramp forms one surface for the vehicle floor and is accommodated by a floor section that is lower than the vehicle floor, wherein the floor section serves as a load surface for the wheelchair, and the ramp remains in a secured upright position when the floor section is occupied by the wheelchair. GB '152 shows a ramp assembly for a lower floor bus or kneeling bus in which the entrance or exit door of the bus is positioned lower to the ground than normal. The ramp assembly is provided to bridge the gap between the bus and an adjacent curb. See paragraph 2, page 1. The ramp assembly is strictly an access ramp. No load service for a wheelchair is shown. Likewise, the ramp remaining in a secured

upright position when the floor section is occupied by the wheelchair is not shown or contemplated by UK '152. The lowered floor section of the bus contains the ramp assembly frame 10. No additional space is provided in the lowered section for a wheelchair. The ramp assembly operates as shown in figures 2a to 2c by unfolding a ramp which is folded in on itself in figure 2a into an extended ramp as shown in figure 2c. The surfaces 29 and 30 form the ramp for ingress and egress from the bus.

The deficiencies of GB '152 are not rectified by Ressler or FR '362. Neither Ressler nor FR '362 discloses the ramp pivoting about a connection from a lowered position, in which the ramp forms one surface with a vehicle floor, and is accommodated by a floor section that is lowered in the vehicle floor, wherein the floor section serves as a load surface for the wheelchair, and the ramp remains in a secured upright position when the floor section is occupied by the wheelchair. Ressler shows a ramp at the back of a van, which is lowered into a position to allow a wheelchair to role on board. Ressler also shows that the ramp may be secured upright and that the wheelchair may be secured on the drop floor 18. Likewise, FR '362 shows a lowerable ramp where a wheelchair may be loaded and a lowered floor which retains the wheelchair. Neither reference shows the ramp pivoting about a connection from a lowered position, in which the ramp forms one surface with a vehicle floor and is accommodated by a floor section that is lower than the vehicle floor. Thus, it is respectfully submitted that the claimed invention is patentably

distinguishable over the cited references, as noted above. Accordingly, withdrawal of the rejection is respectfully requested.

A prima facie case of obviousness has still not been established regarding the combination of GB '152 and Ressler or FR '362. In order to establish a prima facie case of obviousness, first there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The Office Action has given the motivation to combine as to provide space for the wheelchair as taught by either Ressler or FR '362. However, this motivation to combine does not fit the GB '152 reference. One of ordinary skill in the art would not seek to provide space for a wheelchair in the vehicle of GB '152. The vehicle in GB '152 is a kneeling suspension bus. Providing space for a wheelchair in or around surface 29 of the ramp assembly, defeats the purpose of the ramp assembly and is not needed. Therefore, the motivation to combine is improper.

In establishing a prima facie case of obviousness, secondly, there must be a reasonable expectation of success. The modified reference GB '152, as pointed out above, is for buses where a ramp is provided for ingress and egress. The ramp assembly is contained in a frame 10 which is inserted into the bus. The Office Action proposes to allow a wheelchair to occupy surface 29 and to allow the extended ramp to be secured in a upright position as taught by Ressler or FR '362. There is no reasonable expectation of success in doing so as the proposed modifications would render the ramp assembly in GB '152 unworkable. The surface

29 in GB '152 is an extension of the ramp, and is not meant to be occupied by a wheelchair. To modify the surface 29 would mean the ramp assembly would be unworkable in that surface 29 would no longer provide and extension of a ramp for ingress and egress. In addition, to allow the extended ramp 30 to be secured in an upright position would necessarily mean blocking the exit/entrance door of the bus. Since no reasonable expectation of success can be assumed for the proposed combination, a *prima facie* case of obviousness has not been established. Accordingly, withdrawal of the rejections is respectfully requested.

Moreover, the Office Action has alleged that it would have been obvious to combine the reference depending on the requirements of the vehicle. GB '152 is directed towards a specific vehicle requirement in that the ramp assembly provides a solution for ingress and egress for kneeling suspension buses. Contrary thereto, FR '326 and Ressler seek to solve a problem related to a much smaller vehicle, van or ambulance. The inventions are specific to the vehicle requirements and to suggest that the motivation to combine depends on the requirements of the vehicle does not provide an inquiry of the claimed invention as a whole. One of ordinary skill in the art would not look to either Ressler or FR '362 in order to modify a ramp assembly as disclosed in GB '152. Thus, it is respectfully submitted that the motivation to combine is improper, there is no reasonable expectation of success, and therefore, a *prima facie* case of obviousness has not been established. Accordingly, withdrawal of the rejections is respectfully requested.

It is respectfully submitted, in view of the foregoing amendment and remarks, that the application is in condition for allowance and prompt favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/49626).

Respectfully submitted,

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